

**COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.**

A Professional Corporation
900 Third Avenue, 16th floor
New York, NY 10022-4728
(212) 752-8000
(212) 752-8393 Facsimile
Laurence May, Esq. (LM-9714)
Leo V. Leyva, Esq. (LL-9061)
Greg A. Friedman, Esq. (GF-4506)
Attorneys for Defendants, Bodden Funding
Corp., Jay Irgang, Mark Irgang and Orli
Irgang

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re Chapter 11
Case No. 05-10987 (RDD)
MAYWOOD CAPITAL CORP., *et al.*, (Jointly Administered)
Case Nos. 04-17047,
Debtors. 05-10944 to 05-10987
-----X 05-11521, 05-11523 and 05-1778 (RDD)
JOHN S. PEREIRA, as Chapter 11 Trustee
of 65-67 EAST 125TH STREET REALTY
CORP., Adversary Proceeding No.
07-01520 (RDD)

Plaintiff,

v.

BRT REALTY TRUST, KENNEDY
FUNDING, INC., BODDEN FUNDING
CORP., JAY IRGANG, MARK IRGANG
and ORLI IRGANG,

Defendants.
-----X

**AFFIDAVIT OF LAURENCE MAY IN SUPPORT OF DEFENDANTS BODDEN
FUNDING CORP., JAY IRGANG, MARK IRGANG AND ORLI IRGANG FOR AN
ORDER DETERMINING CERTAIN ADVERSARY PROCEEDINGS TO BE NON-
CORE PROCEEDINGS AND WITHDRAWING THE REFERENCE**

STATE OF NEW YORK)
 ss:-
COUNTY OF NEW YORK)

LAURENCE MAY, being duly sworn, deposes and says:

1. I am a member of the law firm Cole, Schotz, Meisel, Forman & Leonard, P.A., attorneys for defendant Bodden Funding Corp. (“Bodden”) and Jay Irgang, Mark Irgang and Orli Irgang (the “Irgangs” and with Bodden, the “Bodden Defendants” or the “Bodden Group”), in the within adversary proceeding, and I am a member of the Bar of this Court. This affidavit is submitted in support of the Bodden Group’s motion, brought pursuant to 28 U.S.C. § 157(b)(3) and 28 U.S.C. § 157(d) for an order: (1) determining that this, and nine related adversary proceedings are non-core proceedings; and (2) withdrawing the reference as to this, and the nine related adversary proceedings, from the bankruptcy court.

2. I make this affidavit for the purpose of putting before the Court certain exhibits including the ten complaints filed in the adversary proceedings. Attached hereto, as Exhibits A through J, are the following complaints:

- A) John S. Pereira, as Chapter 11 Trustee of 79 East 125th Street Realty LLC .v. BRT RealtyTrust, Kennedy Funding, Inc., Bodden Funding Corp., Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01528)
- B) John S. Pereira, as Chapter 11 Trustee of 6 East 132nd Street Apartments Street Corp. v. BRT RealtyTrust, Kennedy Funding, Inc., Bodden Funding Corp., Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01513)
- C) John S. Pereira, as Chapter 11 Trustee of 65-67 East 125th Street Realty Corp.v. BRT RealtyTrust, Kennedy Funding, Inc., Bodden Funding Corp., Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01520)
- D) John S. Pereira, as Chapter 11 Trustee of 27 East 131st Realty Corp. v. BRT RealtyTrust, Kennedy Funding, Inc., Bodden Funding Corp., Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01524)

- E) John S. Pereira, as Chapter 11 Trustee of 121 West 122nd Street Corp. v. Barry Levites, David Cantor, Baron Associates, Kennedy Funding Inc., and Bodden Funding Inc. (Adv. Pro. No. 07-01516)
- F) John S. Pereira, as chapter 11 Trustee of 917 Eagle Avenue Realty Corp. v. Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01548)
- G) John S. Pereira, as chapter 11 Trustee of 77 East 125th Street Realty LLC v. BRT RealtyTrust, Kennedy Funding, Inc., Bodden Funding Corp., Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01521)
- H) John S. Pereira, as chapter 11 Trustee of 148 West 124th Street Realty Corp. v. BRT RealtyTrust, Kennedy Funding, Inc., Bodden Funding Corp., Jay Irgang, Mark Irgang and Orli Irgang (Adv. Pro. No. 07-01523)
- I) John S. Pereira, as chapter 11 Trustee of 18 West 129th Street Corp. v. 18 W. 129 St., LLC, Kennedy Funding, Inc., Bodden Funding Corp., and Migdol Realty Management LLC (Adv. Pro. No. 07-01541)
- J) John S. Pereira, as Chapter 11 Trustee of 243 East 118th St. Realty Corp. v. 243 E. 118 St., Gerald Migdol, Kennedy Funding, Inc., Bodden Funding Corp., and Wells Fargo Home Mortgage, Inc. (Adv. Pro. No. 07-01514)

3. Attached hereto as Exhibit K is a summary comparison chart of the ten adversary complaints, including the complaint filed in this action. The chart compares the claims for relief asserted in each of the ten adversary proceedings and demonstrates that for all purposes material to the motion, they are substantially the same.

WHEREFORE, for the foregoing reasons, as well as the reasons contained in the accompanying Memorandum of Law it is respectfully submitted that the Bodden Group's motion to determine this and the nine related adversary proceedings non-core proceedings and to

withdraw the reference should be granted, and that the Court award such other and further relief as is just and proper.

/s/ Laurence May
Laurence May

Sworn to before me this
13th day of April, 2007

/s/ Michele E. Cosenza
Notary Public, State of New York